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May 5, 2022

VIA EFC

Hon. Pamela K. Chen
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: SEC v. Xia, et al., No. 21-cv-05350-PKC-RER

Dear Judge Chen:

We write in response to Your Honor's Scheduling Order entered this afternoon. We wish to apologize for our misunderstanding regarding the outstanding briefs due May 4, 2022, and for any confusion we caused the Court or our adversary. We meant to refer to the defendants' post-hearing briefing and their brief opposing the motion to extend the asset freeze, the latter of which we erroneously referred to as a motion for relief from the asset freeze. We mistakenly understood that the opposition to the motion to extend the asset freeze was due on May 5, 2022, but are now aware that the brief was due yesterday.

We sincerely appreciate the Court granting us an additional week, until May 11, 2022, to file the defendants' post-hearing brief. We respectfully request that the Court likewise grant us an extension *nunc pro tunc* to file the defendants' brief opposing the motion to extend the asset freeze until that same date, May 11, 2022.

By way of brief explanation, since being retained less than a week ago, we have worked nearly around the clock with our clients structure a concrete proposal to resolve the litigation in a way that we hope will satisfy the SEC, that will repay the EB-5 applicants, and be acceptable to Your Honor. We hope to be able to present a proposal to all parties in the very near future.

Again, we wish to offer our sincere apologies for any disruption our confusion has caused.

Thank you in advance for Your Honor's kind consideration.

Very truly yours,


Mark C. Rifkin

cc: All Counsel (via ECF)